

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION

BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J. FREDERICK MOTZ,* ROBERT L. MILLER, JR.,* KATHRYN H. VRATIL, DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL

TRANSFER ORDER

Presently before the Panel are motions, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in 38 actions listed on Schedule A to vacate the Panel's orders conditionally transferring the actions to the Eastern District of Louisiana for inclusion in the Section 1407 proceedings occurring there in this docket. Merck & Co., Inc., favors inclusion of all actions in MDL-1657 proceedings. The treating physician and dispensing pharmacy defendants in the four West Virginia actions also favor inclusion of their actions in MDL-1657 proceedings.

On the basis of the papers filed and hearing session held (without oral argument), the Panel finds that these actions involve common questions of fact with actions in this litigation previously transferred to the Eastern District of Louisiana. Transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Any pending or anticipated motions to remand to state court or relating to the status of the action pending in the Central District of California can be presented to and decided by the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001). The Panel further finds that transfer of these actions is appropriate for the reasons expressed by the Panel in the original order directing centralization in this docket. In that order, the Panel held that the Eastern District of Louisiana was a proper Section 1407 forum for actions involving claims relating to Vioxx. *See In re Vioxx Products Liability Litigation*, 360 F.Supp.2d 1352 (J.P.M.L. 2005).

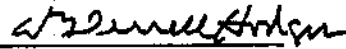
* Judges Motz and Miller took no part in the decision of this matter.

Fee _____
 Process _____
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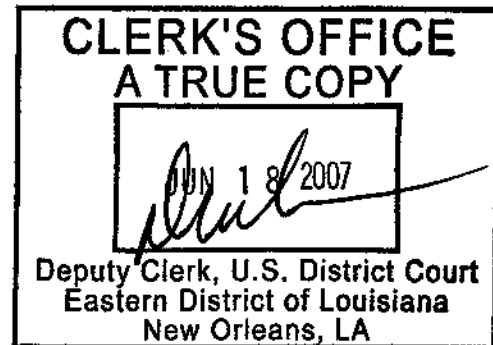
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IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Eastern District of Louisiana and, with the consent of that court, assigned to the Honorable Eldon E. Fallon for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman



SCHEDULE A

MDL-1657 -- In re Vioxx Marketing, Sales Practices and Products Liability LitigationEDLA
SEC. L/3Central District of California*Ruby Lois Moore Estate, etc. v. Merck & Co., Inc.*, C.A. No. 2:06-7548

07-0668

Eastern District of California*Mosetta Bernstine v. Merck & Co., Inc., et al.*, C.A. No. 2:07-34

07-3277

Katherine Harrison v. Merck & Co., Inc., et al., C.A. No. 2:07-42

07-3278

James Daniels, Jr. v. Merck & Co., Inc., et al., C.A. No. 2:07-48

07-3279

Barbara Ford-Daniels v. Merck & Co., Inc., et al., C.A. No. 2:07-51

07-3280

Lynn Franklin v. Merck & Co., Inc., et al., C.A. No. 2:07-57

07-3281

Irma Franklin v. Merck & Co., Inc., et al., C.A. No. 2:07-58

07-3282

Carolyn Lee Wilson v. Merck & Co., Inc., et al., C.A. No. 2:07-61

07-3283

Mary Ann Harris v. Merck & Co., Inc., et al., C.A. No. 2:07-67

07-3284

John Wilson v. Merck & Co., Inc., et al., C.A. No. 2:07-68

07-3285

Ishmael Haqq v. Merck & Co., Inc., et al., C.A. No. 2:07-73

07-3286

David Tenn, etc. v. Merck & Co., Inc., et al., C.A. No. 2:07-75

07-3287

Estate of Juanita Battle v. Merck & Co., Inc., et al., C.A. No. 2:07-77

07-3288

Denise Denison v. Merck & Co., Inc., et al., C.A. No. 2:07-79

07-3289

Northern District of California*Dorothy Shanks v. Merck & Co., Inc., et al.*, C.A. No. 3:07-65

07-3290

Stanford Johnson v. Merck & Co., Inc., et al., C.A. No. 3:07-67

07-3291

Estate of Robert Badke, et al. v. Merck & Co., Inc., et al., C.A. No. 3:07-69

07-3292

Fred Hardin v. Merck & Co., Inc., et al., C.A. No. 3:07-75

07-3293

Jeffrey Nielsen v. Merck & Co., Inc., et al., C.A. No. 3:07-76

07-3294

Juliana Nielsen v. Merck & Co., Inc., et al., C.A. No. 3:07-77

07-3295

Jacquelyn Johnson v. Merck & Co., Inc., et al., C.A. No. 3:07-78

07-3296

Arthur Shanks v. Merck & Co., Inc., et al., C.A. No. 4:07-68

07-3297

Earnestine Hardin v. Merck & Co., Inc., et al., C.A. No. 4:07-70

07-3298

Shahla Jaferian v. Merck & Co., Inc., et al., C.A. No. 5:07-66

07-3299

Estate of Sandra Ellis v. Merck & Co., Inc., C.A. No. 5:07-74

07-3300

Nader Jaferian v. Merck & Co., Inc., et al., C.A. No. 5:07-79

07-3301

Randolph Dossett v. Merck & Co., Inc., et al., C.A. No. 5:07-80

07-3302

Suzanne Dante v. Merck & Co., Inc., et al., C.A. No. 5:07-81

07-3303

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EDLA
SEC. L/3

Southern District of California

<i>Genevieve Tadman v. Merck & Co., Inc., et al.</i> , C.A. No. 3:06-2151	07-3304
<i>Del Rorer v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-10	07-3305
<i>Carol Krepp v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-11	07-3306
<i>Charles Krepp v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-12	07-3307
<i>Teresa Rorer v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-14	07-3308
<i>Arlene Purvis v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-15	07-3309

Northern District of West Virginia

<i>Helen Jean Anderson, etc. v. Merck & Co., Inc., et al.</i> , C.A. No. 5:06-151	07-3310
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Southern District of West Virginia

<i>Paul Noe, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 2:06-1004	07-3311
<i>Leota Faye Dickens v. Merck & Co., Inc., et al.</i> , C.A. No. 2:06-1005	07-3312
<i>Madonna Armentrout, etc. v. Rite Aid of West Virginia, Inc.</i> , C.A. No. 3:06-1058	07-3313